IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.797 OF 2004.

Anandi Bhaskar Bhuiyan. ... Appellant.
Versus.
Shashi Thampi and others. ... Respondents.

Shri Anilkumar Patil for the Appellant.

Shri C.K.Pendse holding for Ms.Jyoti Chavan for the Respondents Nos.1 to 3.

CORAM : ABHAY S.OKA, J.

DATED : 21st April, 2007.

P.C.:

1. Heard the learned Advocates appearing for the parties. By the order impugned passed on 6th August 2004, the Application made by the Appellant/Plaintiff for attachment before judgment has been rejected. The order impugned itself indicates that the recording of evidence had commenced at that time and in fact by the order impugned, the 2nd and 3rd Defendants were directed to proceed with the cross-examination of the Appellant/Plaintiff. Till today there is no ad-interim or interim order passed by this Court which is operating in favour of the Appellant. The suit was at the stage of cross-examination of the Appellant/Plaintiff.

2. Considering the facts and circumstances of the case, as of today, no case is made out for interference with the order. However, hearing of the suit deserves to be expedited.

3. The Appeal is dismissed with no order as to costs. The trial Court will conclude the hearing of the suit on or before 31st December 2007. All contentions of the parties on merits of the suit are expressly kept open.

Judge.